REMARKS

Claims 1-4, 6-19, and 27-38 are pending, of which claims 8-19 have been withdrawn from consideration in the present application, and claims 1-4, 6-7and 27-38 have been rejected. Applicant has amended claims 1, 4 and 38, and respectfully requests the allowance of claims 1-4, 6, 7 and 27-38.

Claims Objections

The Examiner objected to claim 38 for certain informalities. Applicant has now amended "animal product or plant product" to "plant product" in claims 1 and 38, and capitalized the first letter of Angelica in claim 38. Besides, the applicant has further amended "Chinese traditional medicine or plant" into "a plant product" in claim 4.

Rejections Under 35 U.S.C. §103

Claims 1-4, 6-7 and 27-38 have been rejected under 35 U.S.C. §103(a) as unpatentable over multiple references, each rejection at least being based on a combination of *Wang* (U.S. 4,018,755), *Bloom* (U.S. 5,902, 224) and *Kirker* et al.(U.S. 6,706,180). Applicant respectfully traverses the rejection as set forth below.

First, *Kirker* et al. (U.S. 6,706,180), a reference cited by the Examiner, discloses a vibratory device operable to create a ***linear vibration*** in a centrifuge (see, e.g., lines 21-30 of column 9 and claim 25). The Examiner contends that "non-linear vibrations *do occur* in any vibration". However, Examiner's view, whether theoretically correct or not, is extreme and inconsistent with how one of ordinary skill in the art would interpret that term. As explained in the Applicant's Supplemental Reply, filed on 30 March 2009, which incorporated herein by reference, "nonlinear vibration" in the claims refers to vibration that contains a range of frequencies. If nonlinear vibrations do occur in any vibration, and such occurrence, no matter how minute, made the vibration nonlinear so as to read on "nonlinear vibration", no vibration would be ever be linear. Yet, *Kirker* et al. shows that one of ordinary skilled in the art would consider the vibration oscillating from a sonicator would be linear, instead of non-linear. The examiner's position on non-linear vibration is therefore unfounded.

Second, claim 1 requires that the extracting step is carried out under the simultaneous conditions of a 18-33 kHz nonlinear vibration, a pressure of 25-35 MPa and at a temperature of 0-50°C.

In contrast, *Wang* discloses a two-step process; linear sonication (20Hz) is carried out first at normal pressure, followed by solid/liquid separation by centrifuge. *Bloom* discloses a gas centrifuge operated between ~15.9Mpa and ~35Mpa.And *Kirker* et al. discloses a centrifuge of **linear** vibration whose frequency ranges from 100 to 40,000 Hz. As *Kirker* et al. explains "Excitation apparatus may develop vibrations that vary in frequency and amplitude depending on the fluid medium and the separation process", namely specific fluid medium and the separation process will need specific frequency and amplitude instead of nonlinear vibration.

Therefore, none of the additional references cited by the examiner nor their reluctant combination discloses or suggests the technical solution of claim 1, especially the unique features of "nonlinear vibration" and "simultaneous conditions".

For at least these reasons, Applicant respectfully requests the withdrawal of the rejection of claims 1-4, 6-7 and 27-38 under 35 U.S.C. §103(a).

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Date: September 10, 2009

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